



BRADFORD C. PATRICK
Assistant Corporation Counsel
 Tel.: (212) 788-1575
 Fax: (212) 788-9776

April 9, 2008

BY HAND

Honorable Sidney H. Stein
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

MEMO ENDORSED

Re: Escalet v. City of New York, et al., 08 CV 96 (SHS)

Dear Judge Stein:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendant City of New York ("City") in the above-referenced matter. I am writing with the consent of plaintiff's counsel, Andrew F. Plasse, Esq., to respectfully request an enlargement of time, from April 14, 2008 to May 9, 2008 within which defendant City may answer or otherwise respond to the complaint and for a corresponding adjournment of the initial conference currently scheduled for April 25, 2008 at 10:30 a.m. to a date after the City has responded to the complaint. This is the City's second request for an extension of time to respond to the complaint.

The reason for this request is that, only today, this office received from plaintiff the executed designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to N.Y. Crim. P. Law § 160.50 ("§ 160.50 release"). This release had been forwarded to plaintiff by mail on February 11, 2008 and again on March 11, 2008. The § 160.50 release had also been requested by the undersigned by telephone call to plaintiff's counsel. Plaintiff alleges in the amended complaint that he was subjected to, inter alia, false arrest and excessive force. Pursuant to N.Y. Crim. P. Law § 160.50, all official records concerning the arrest and/or prosecution of plaintiff were sealed by court order upon the termination of the criminal action. Before we are able to respond to the complaint, we will need to obtain these records, which, until today without the release, we have been unable to access. The enlargement of time will enable us to process the release received today and properly evaluate the case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending defendant City's time to answer or otherwise respond to the complaint until May 9, 2008, ~~and granting a corresponding adjournment of the initial conference currently scheduled for April 25, 2008 to a date after the City has responded to the complaint~~, *is adjourned to May 9, 2008, at 10:30 a.m.* SO ORDERED 4/10/08

SIDNEY H. STEIN

Thank you for your consideration in this regard.

Respectfully submitted,



Bradford C. Patrick
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY FAX AT (212) 402-7737

Andrew F. Plasse
Attorney for Plaintiff
352 7th Avenue, Suite 402
New York, NY 10001